



## Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** March 9, 2006

**COUNCIL DISTRICT:** 6  
**SNI AREA:** Burbank/Del Monte

**SUBJECT: PDC05-037. PLANNED DEVELOPMENT REZONING FROM LI LIGHT INDUSTRIAL ZONING DISTRICT TO A (PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW 122 ATTACHED LIVE/WORK LOFTS AND 2,500 SQUARE FEET OF RETAIL ON A 2.08 GROSS ACRE SITE ON THE NORTH SIDE OF PARK AVENUE APPROXIMATELY 450 FEET EAST OF SUNOL STREET.**

### RECOMMENDATION

The Planning Commission voted 7-0-0, to recommend that the City Council approve the Planned Development Zoning as recommended by staff.

### BACKGROUND

On March 8, 2006, the Planning Commission held a public hearing to consider a Planned Development Rezoning to allow 122 attached live/work lofts and 2,500 square feet of retail floor area on a 2.08 gross acres site.

Staff made a brief staff presentation indicating that two additional documents had been transmitted to the Commission: correspondence from Jim Wilhelm, a neighbor of the project site; a revision to the Initial Study identifying that 3 additional units proposed in the Draft Development Standards would not result in any new significant environmental impacts (see attachments).

The applicant, T.L. Cook, made a brief presentation of the project. No one from the public spoke in support of, or in opposition to, the project.

Commissioner James raised the possibility of providing more retail as part of the project due to the proximity of the project site to the potential ballpark location. The applicant indicated that the project did not have room for more retail than was currently proposed. Staff indicated that additional retail would not be appropriate due to traffic and other impacts to the neighborhood.

The Planning Commission then closed the public hearing.

In response to Commissioner Dhillon staff defined a "live/work" unit as a living unit, which allows work uses in addition to the living component and stated that the Development Standards would be refined to provide clarification of the allowed uses (see attached revised Development Standards).

The Planning Commission recommended approval of the proposed Planned Development Zoning.

### **PUBLIC OUTREACH**

Public outreach for the project has included two community meetings. At the first meeting, held on August 31, 2005, those in attendance expressed concern regarding adequacy of the proposed parking; the appropriateness of retail; the need for traffic-calming measures along Park Avenue; the appropriateness of the style of architecture on the subject site; and the possibility of creating a vehicular entrance, in addition to an exit, from Park Avenue. A second community meeting was held on February 23, 2006. Those in attendance expressed continued concern regarding the retail use and its potential negative effect on retail uses already existing along Park Avenue. Other concerns included the adequacy of parking, the attractiveness and walkability of Park Avenue and Laurel Grove Lane, traffic operation problems on Park Avenue, construction impacts, and affordability of units.

Notices of the public hearing and the Draft Mitigated Negative Declaration were distributed to the owners and tenants of all properties located within 1000 feet of the project site. The Negative Declaration and this staff report have been posted on the City's web site. Staff has been available to discuss the project with members of the public.

### **COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, and the Environmental Services Department.

### **CEQA**

A Mitigated Negative Declaration has been adopted for this project indicating that the project would not result in a significant environmental impact.

  
JOSEPH HORWEDEL  
Secretary, Planning Commission

attachments

cc: T.L. Cook, 114 Clark Drive, San Mateo, CA 94402  
Ralph Butterfield, 601 Arkansas, San Francisco, CA 94107  
Kier & Wright, 3350 Scott blvd. #22, Santa Clara, CA, 95054

**PLANNED DEVELOPMENT ZONING PDC05-037  
DRAFT DEVELOPMENT STANDARDS**

**Area A** - that section of the site that is located at the corner of Park Avenue and Laurel Grove Lane forming a square that is 80 feet by 80 feet.

**Area B** - all of the site area not included in area A.

**I. LAND USE**

**Permitted Uses:**

Area A - Permitted and conditional uses of the CP Commercial Pedestrian Zoning District of Title 20 of San Jose Municipal Code, as amended.

Area A and B - Single-family and multi-family attached residential units.

The following live-work uses shall be allowed when conducted entirely within a residential unit by the resident/s of that unit: professional office, business offices, and artist studios. No uses requiring "H" occupancies of the Uniform Building Code shall be allowed. No live work uses shall create a public or private nuisance. Business hours for live work uses shall be limited to between 7:00 a.m. and 10:00 p.m.

**II. DEVELOPMENT STANDARDS**

Note: Where these development standards conflict with other information included on the Land Use Diagram, these standards shall take precedence.

**1. Maximum Development**

Residential	up to 125 units
Commercial	up to 2,500 square feet of floor area

**2. Minimum Lot Size**

80,000 square feet

**2. Perimeter Setbacks**

**Area A**

Front (Park Avenue and Laurel Grove Lane frontages)  
Building and Podium - 0

**Area B**

Front (Park Avenue and Laurel Grove Lane frontages)  
Building and Podium - 10 feet

Rear, (railroad corridor)  
Building and Podium- 5 feet

- All setbacks shall be measured from the property line.
- Stoops may project into the front setback.
- Minor architectural projections – Minor architectural projections, such as chimneys and bay-windows may project into any setbacks or building separation by no more than 2' 0" for a horizontal distance not to exceed 10' 0" in length, no more than 20 % of the building elevation.

## 2. **Maximum Building Heights**

Area A and B

65 feet

## 3. **Minimum Parking Requirements\***

Studio	1.4 spaces per unit
One Bedroom	1.5 spaces per unit
Two Bedroom:	1.8 spaces per unit
Three Bedroom	2.0 spaces per unit

Parking for any uses other than residential uses shall be provided as required by Title 20 of San Jose Municipal Code as amended.

\* Tandem parking is allowed with a Planned Development Permit. Tandem pairs must be assigned to a single living unit. The parking requirement for any unit assigned a tandem pair shall be a minimum of two spaces.

## 4. **Common Open Space.**

Minimum area designated for common open space – 100 square feet per unit.

### **III. GENERAL NOTES**

#### **Park Avenue Street Vacation**

Prior to approval of a Final Map a portion of Park Avenue, between Laurel Grove Lane and Montgomery Street, as shown on the Land use Plan, shall be vacated. This street vacation is conditioned upon the removal or abandonment of PG&E and SBC facilities.

#### **Water Pollution Control Plant Notice**

Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total



sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

### **Tree Replacement**

Approval shall be obtained for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater through a Planned Development Permit; and any such tree that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.

All trees that are to be removed shall be replaced at the following ratios:

- Each tree less than 12 inches in diameter to be removed shall be replaced with one 15-gallon tree.
- Each tree 12 inches to 17 inches in diameter to be removed shall be replaced with two 24-inch box trees.
- Trees 18 inches in diameter or greater shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees; and each tree 18 inches in diameter or greater to be removed shall be replaced with four 24-inch box trees.

The species and exact number of trees to be planted on the site shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the permit stage:

An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning.

A donation of \$300.00 per mitigation tree shall be made to Our City Forest or San Jose Beautiful for in-lieu offsite tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for offsite tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

### **Parkland Dedication Ordinance**

This subdivision is subject to the requirements of the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code,) for the dedication of land or payment of fees in lieu of the dedication of land for park purposes, under the formula contained with that Chapter. Prior to approval of the Final Map for this subdivision, subdivider shall enter into a parkland agreement with the City to the satisfaction of the Director of Public Works in order to fulfill the requirements of the Parkland Dedication Ordinance.

### **Affordable Housing**

Prior to the approval of a Planned Development Permit, the property owner shall ensure that at least 20 percent of the units in the subject development are affordable to persons and families of low or moderate income as required by State law for the required time period by recording an affordability agreement on the property or by entering into an agreement with the City of San Jose to the satisfaction of the Director of Housing.

## **IV. ENVIRONMENTAL MITIGATION**

**Mitigation shall be implemented as identified in the Negative Declaration prepared for the project (PDC05-037). Alternative mitigation may be approved by the Director of Planning based on a finding that the alternative measures reduce the impacts of the project to a non-significant level.**

### **Hazards and Hazardous Materials**

At the time of demolition/site preparation and grading, a qualified environmental professional (PE, RG, REA) shall observe and inspect the site to ascertain whether there is evidence of localized petroleum or metal contamination in areas which are currently unavailable for inspection due to debris, stockpiled materials, vehicles, etc and to identify any necessary remediation. Prior to construction of foundations a report shall be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement identifying the result of the site inspection and any recommended remediation. Any remediation shall be implemented to the satisfaction of the Director of Planning.

### **Noise**

All units with exterior noise levels in excess of 75dba DNL shall include enclosed sunrooms in lieu of balconies.

Prior to issuance of a Planned Development Permit, a project-specific acoustical analysis shall be submitted to identify window specifications and construction techniques necessary to reduce average interior noise levels to 45 dBA DNL or lower and to reduce single-event noise to 50dBA in bedrooms and 55dBA in other living spaces.

Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

## Lev, Hadasa

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From: Jim Wilhelm [wshbrd12@sbcglobal.net]  
Sent: Monday, March 06, 2006 9:39 AM  
Subject: hadasa.lev@sanjoseca.gov  
Planning Department

### Public Comments

Folder Number: 2005 023111 ZN

Project Manager: Hadasa Lev

Oops. I apologize for the previous e-mail, I thought this was just the message header, I didn't realize it was the space for the comments as well.

I've attended both community meetings concerning the Park Avenue Lofts project, and have serious concerns, about both the process and the project itself.

On the process, we were told there'd be a series of meetings as the project progressed, but the second meeting was 6 months after the first and only two weeks before the planning commission hearing. It was at the second meeting that we found out the traffic review did not include the most critical intersections (Park and Race, Park and Lincoln) which would be affected by a high density development, and that not all the Department reviews were available yet. It was also not made clear at either meeting, that the current City General Plan is for a 25+ residences per acre density on the proposed site.

While 25+ seems an odd designation (with no top end, would a 300 unit high rise have been acceptable?) the existence of a city designation for the 'ballpark' property of 60-140 residences per acre implies the 25+ designation was for a lower density than the 65 lofts per acre proposed. If allowed to go forward, this will be the highest density project along Park, west of the Caltrain tracks, and will not be in keeping with the neighborhood character.

Finally, the Planning Department's efforts to deal with the concern over the retail space (having it designed to be converted to residence if needed) is appreciated, but doesn't seem quite adequate. While it seems like a good idea, in practice the combined retail/residential developments are not working, as the perpetually empty retail space just to the east at the Museum Legacy project shows. With the closure of the restaurant supply store at Park and Sunol, an additional 5000 to 6000 sqf. of empty retail space is now in the immediate neighborhood, so the desirability of additional retail space is reduced even more.

For all of these reasons, I request that the Planning Commission defer making any approvals at the meeting this week, and instead allow additional time for the community to review the project.

Name: Jim Wilhelm  
Email: wshbrd12@sbcglobal.net  
Telephone Number: 408-321-7039 (9:00 AM to 6:00PM)

Web Server: www.sjpermits.org

Client Information: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; YPC 3.2.0; .NET CLR 1.0.3705; yplus 4.1.00b)

**REVISIONS TO INITIAL STUDY  
PARK AVENUE LOFTS PROJECT  
PDC05-037  
MARCH 2006**

**Description of Proposed Change to the Project**

The original scope of the project, as evaluated in the Park Avenue Lofts Initial Study/Mitigated Negative Declaration (IS/MND) assumed development of 122 units with 3,000 square feet of retail.

The project now is proposing to increase the number of units from 122 units to 125 units.

**Environmental Impacts of the Proposed Change to the Project**

A transportation impact analysis (TIA) was prepared for PDC05-037 based on 122 single-family attached units and 3,000 square feet of retail. The Department of Public Works and Hexagon Transportation Consultants (preparers of the TIA) have reviewed the proposed changes to PDC05-037 and determined no further traffic analysis is required. The additional units would not increase the project trips a substantial amount and would not result in any new impacts at study intersections.

The additional units would also not result in any new impacts to any other issues evaluated in the Initial Study. All of the original project's impacts and proposed mitigation and avoidance measures would be the same. Therefore, the revised project would not result in any new impacts that were not already addressed in the Initial Study.

**Conclusion**

Based on the above discussion, it is concluded that the proposed change in the scope of the project will not result in any new environmental impacts. Nor will the revised project result in an increase in the magnitude of previously-identified environmental impacts. Therefore, no further environmental review is required. This revision to the Initial Study will be included in or attached to the Initial Study/Mitigated Negative Declaration and the City of San Jose will consider the revision with the IS/MND, prior to making a decision on the proposed project.



item 4b-1  
PC 3/8/06

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